

# **LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO**

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**DATE: SEPTEMBER 11, 2007**

**FROM: MICHAEL TUERPE, LAFCO Analyst**

**TO: LOCAL AGENCY FORMATION COMMISSION**

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**SUBJECT: Agenda Item 10:** Consideration of Request to County Auditor/Controller-Recorder to Collect Outstanding City or District Apportionment Amounts from First Proceeds of Property Tax Revenues

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## **RECOMMENDATION:**

Staff recommends that the Commission take the following actions:

1. Request the County Auditor/Controller-Recorder to collect outstanding city or district apportionment amounts due to LAFCO.
2. Determine that the method for collection of the outstanding apportionments pursuant to Government Code Section 56381 are:
  - a. Collection of an equivalent amount from the property tax owed to the agency for those agencies that receive property tax revenue,
  - b. Collection of an equivalent amount from any fee or eligible revenue owed to the agency for those agencies that do not receive property tax revenue, and
  - c. Include reimbursement of expenses incurred by the Commission and the Auditor in collection of the outstanding payments within the payments.
3. Direct the Executive Officer to submit the collection request to the Auditor.

## **BACKGROUND INFORMATION:**

At the May hearing, the Commission adopted the FY 2007-08 budget and directed the Executive Officer to request from the County Auditor/Controller-Recorder the apportionment of the Commission's net costs to the County, Cities/Towns, and Independent Special Districts pursuant to Government Code Section 56381(b).

The Auditor invoiced the agencies on July 1 with payment due by September 1. To date the Auditor has not received payment from the agencies listed below for their share of the LAFCO apportionment for FY 2007-08:

City of Barstow  
City of Chino Hills

Baker Community Services District  
Barstow Cemetery District  
Mariana Ranchos County Water District  
Newberry Community Services District  
Rim of the World Recreation and Park District  
San Bernardino Valley Water Conservation District

Section 56381(c) states that if an agency does not remit its payment the Commission may determine an appropriate method of collecting the required payment, including a request to the Auditor to collect an equivalent amount from the property tax, or any fee or eligible revenue owed to the county, city, or district. Additionally, the section reads that any expenses incurred by the Commission or Auditor in collecting late payments shall be added to the payment owed.

Staff recommends the Commission determine that its method to collect the apportionment due to LAFCO pursuant to Government Code Section 56381 be:

- a. A collection of an equivalent amount from the property tax owed to the agency for those agencies that receive property tax revenue,
- b. For the one district that does not receive property tax revenue but does receive special assessments (Rim of the World Recreation and Park District) a collection of an equivalent amount from any fee or eligible revenue owed to the agency, and
- c. Include the recovery of expenses incurred by the Commission and the Auditor in collection of the outstanding payments within the payments.

Staff also recommends that the Commission direct the Executive Officer to submit the collection request to the Auditor.

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Attachment